

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

FRANKFURT-TRUST INVESTMENT LUXEMBURG
AG, Individually and on Behalf of All Others
Similarly Situated,

Plaintiff,

v.

UNITED TECHNOLOGIES CORPORATION,
GREGORY J. HAYES, AKHIL JOHRI, ALAIN
BELLEMARE and DAVID GITLIN,

Defendants.

No. 17 Civ. 3570 (JGK)

NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that, upon the accompanying memorandum of law, declaration of Benjamin D. Klein and the exhibits thereto, and all prior pleadings and proceedings in this action, defendants United Technologies Corporation, Gregory J. Hayes, Akhil Johri, Alain Bellemare, and David Gitlin, by their undersigned counsel, hereby move this Court, before the Honorable John G. Koeltl, for an order dismissing the Amended Class Action Complaint for Violations of the Federal Securities Laws, pursuant to the Private Securities Litigation Reform Act of 1995 and Federal Rules of Civil Procedure 12(b)(6) and 9(b), on the ground that it fails to state a claim upon which relief may be granted and fails to plead fraud with particularity, and for such other and further relief as this Court may deem just and proper.

Dated: New York, New York
December 11, 2017

WACHTELL, LIPTON, ROSEN & KATZ

By: /s/ William Savitt
William Savitt

George T. Conway III
Benjamin D. Klein
51 West 52nd Street
New York, New York 10019
(212) 403-1000
WDSavitt@wlrk.com
GTConway@wlrk.com
BDKlein@wlrk.com

*Attorneys for Defendants United
Technologies Corporation, Gregory J.
Hayes, Akhil Johri, Alain Bellemare
and David Gitlin*

To: All Counsel of Record
(by ECF)

CERTIFICATE OF SERVICE

I hereby certify that on December 11, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system. Notice of this filing will be sent to counsel of record by operation of the Court's electronic filing system.

By: /s/ William Savitt
William Savitt